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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210397
Party	Defendant Ovation, Inc.
Correspondence Address	PAIGE W MILLS BASS BERRY & SIMS PLC 150 3RD AVE S , STE 2800 NASHVILLE, TN 37201-2017 UNITED STATES pmills@bassberry.com, trademarks@bassberry.com
Submission	Other Motions/Papers
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Date	11/13/2014
Attachments	motion to amend and withdraw.pdf(360361 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

OVATION LLC, a Delaware limited liability company,	)	
	)	
Opposer/Petitioner,	)	<u>Opposition No. 91-210,397</u>
	)	Ser. No. 85/619,736
vs.	)	
	)	<u>Cancellation No. 92-053,911</u>
OVATION, INC., a Tennessee corporation,	)	Reg. No. 3,670,163
	)	Reg. No. 3,755,678
Applicant/Respondent.	)	Reg. No. 3,755,679
	)	
	)	

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**STIPULATED MOTION TO AMEND APPLICATION, CONSENT TO JUDGMENT, AND  
WITHDRAWAL OF NOTICE OF OPPOSITION AND PETITION FOR CANCELLATION  
WITHOUT PREJUDICE**

Pursuant to 37 CFR § 2.135, Applicant/Respondent hereby requests to delete Class 38 only from Applicant/Respondent's U.S. Application Serial No. 85/619,736. In addition, solely in order to resolve the dispute between the parties, pursuant to TBMP 604, Applicant/Respondent hereby consents to the Board's order issuing the cancellation of Applicant/Respondent's U.S. Registration No. 3,670,163 in Class 38 only, and U.S. Registration No. 3,755,678 in its entirety.

Upon Board approval of the above request to delete Class 38 only from Applicant/Respondent's U.S. Application Ser. No. 85/619,736 and consent to judgment, the parties hereby request to dismiss

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Opposition No. 91-210,397 and Cancellation No. 92-053,911 without prejudice.

Dated: November <sup>15<sup>th</sup></sup> 2014

Respectfully submitted,

BASS BERRY & SIMS PLC

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By: 

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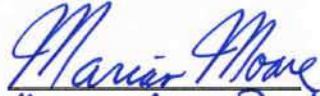
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**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing STIPULATED MOTION TO AMEND APPLICATION, CONSENT TO JUDGMENT, AND WITHDRAWAL OF NOTICE OF OPPOSITION AND PETITION FOR CANCELLATION WITHOUT PREJUDICE upon Opposer/Petitioner via electronic mail to counsel on November 13, 2014.

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